

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES JONES,)	
)	
Movant,)	
)	
vs.)	Case No. 4:11CV00702 ERW
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Movant James Jones Motion for a Certificate of Appealability [ECF No. 59].


Movant filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody. On August 30, 2012, the Court entered an order denying Movant's motion. In that same order, the Court determined not to issue a certificate of appealability as to any claims raised in the Movant's § 2255 Motion.

A certificate of appealability will be issued "only if the applicant has made a substantial showing of the denial of a constitutional right" and has "indicate[d] which specific issue or issues satisfy the showing required." 28 U.S.C. § 2253(c)(2) & (3). Additionally, the movant must demonstrate that "issues are debatable among reasonable jurists; a court could resolve the issues differently; or the issues deserve further proceedings." *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). As the Court concluded in its August 30, 2012 order, Movant has not met this standard. Therefore, Movant's request for a certificate of appealability is denied.

Accordingly,

IT IS HEREBY ORDERED that Movant's Motion for Certificate of Appealability
[ECF No. 59] is **DENIED**.

Dated this 30th day of October, 2012.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE